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From: Barnardos Australia

Subject: Review of the Adoption Act 1984: Consultation Paper Victoria

Introduction

Barnardos Australia (Barnardos) wishes to advocate for the more active use of open adoption from long-term care in Victoria. We do so based on thirty years of experience in running long-term foster care and successfully achieving Adoption Orders for approximately half of the children on permanent care orders in our Find-a-Family (FAF) NSW program. Our practice is based on international evidence and what Australian children adopted from care tell us, that is that they have been overwhelmingly grateful for their own adoptions from care.

We believe that the Victorian government should be moving to ensure many more Victorian children are adopted from care each year as an unstable and insecure life in foster care is unacceptable for children, especially very young children coming into care. These children would benefit from being raised in legally recognised families. We would point to the poor life outcomes documented in research about growing up in the foster care system. We would also point to the fact that current Victorian Permanent Care Orders do not offer adequate legal protection or emotional security for vulnerable children for whom a Court has decided safe return to their own families will never be possible.

As the timeframe for response to the Consultation Paper is short (and we thank the Victorian government for a one week granted extension) Barnardos is not responding in detail to each question. However we are able to offer meetings with government as may be required and requested, including experienced NSW adoption practitioners who can be made available to discuss these matters further should this be of assistance.

We would point out that underpinning all our answers to questions in the Consultation Paper is the view that children's rights must be prioritised over adult's rights, that is both the rights of adoptive and birth parents. In our experience of this debate, adults' rights too often dominate and this is extremely problematic when adult adoptees and birth parents are drawing on examples and experiences of past 'closed' adoption practices. We would like to bring to the Victorian government's attention awareness of these tensions and privilege the views of children adopted from out-of-home care under current open adoption practice, as exemplified in current NSW legislation, policy and practice.

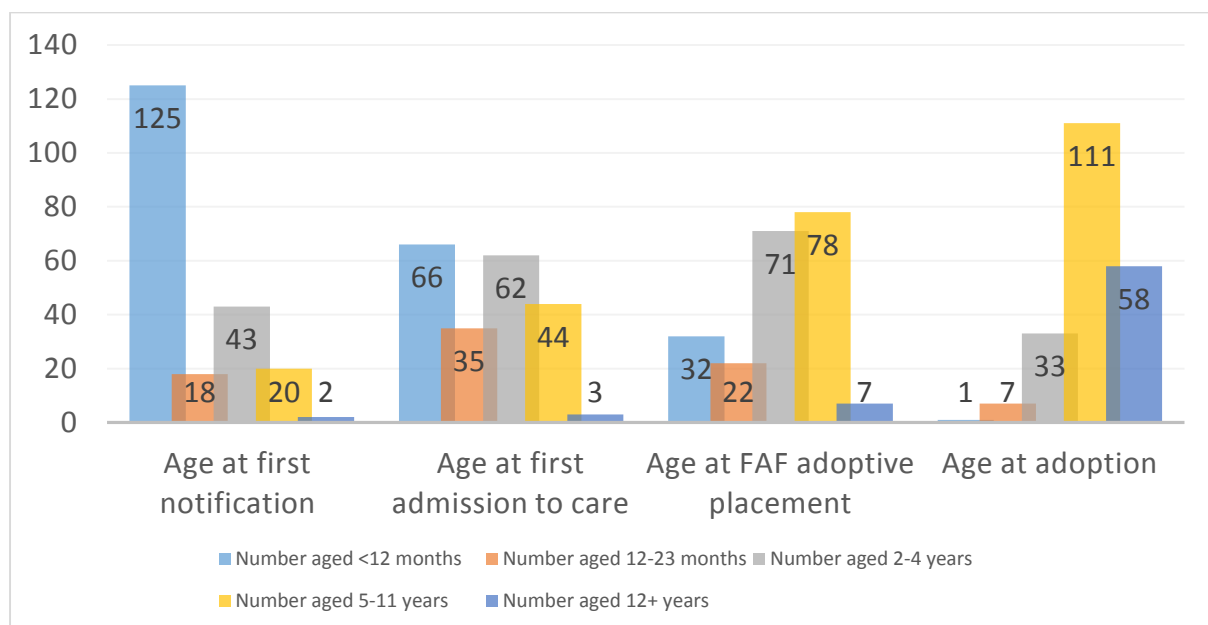
Background

Barnardos have operated under the NSW Adoption Act 2000 and NSW Child and Young People (Care and Protection) Act 1998 and believe that this legislation is excellent for enabling the adoption of non-Aboriginal children from care, specifically those for whom a Court has already decided can never return safely home. Under these laws, we have developed a 'sequential model' of adoption; whereby Barnardos Find-a-Family program takes the children who the Children's Court has permanently removed from their parents' care to age eighteen,

and where restoration or kinship care has been deemed as not suitable. These children may be any age under twelve years however, we prioritise most particularly young children under the age of five years. We subsequently place these children in a ‘matched’ dually authorised (foster/adoptive) family and pursue a care plan of adoption unless this is deemed not to be suitable.

Initially our work involved older children who were very damaged by their abuse, neglect and care experiences. However, increasingly over the past ten years we have shifted our practice to taking younger children and babies who can never live safely with their birth families as deemed by the Children’s Court. We have deliberately made this shift so that very young children and babies can develop and maintain important attachments and do not experience trauma in the welfare system (such damaged lives are only too evident in the referrals we receive for older children). Whilst the average time to adoption in the Find-a-Family program is currently 3.5 years it is our experience that this time frame can be reduced for some children (particularly babies) who enter care at birth. Barnardos adoption practice has been documented in peer-reviewed international publications and conferences as well as local practice conferences (Tregeagle, Moggach et al. 2014).

Barnardos is currently undertaking a study of 210 adoptions through our Find-a-Family program between 1987-2013 and some information from that study has been included in our response to the Consultation Paper questions where relevant. We anticipate publication of reports on the life outcomes of these adoptees during 2017. We have adopted children from care of all ages and the following table indicates the age range of those children at various stages of their pathways to adoption. Importantly, we would point out that many of these children were babies when they first notified to the State welfare department.



Graph 1: Ages of children adopted by Find-a-Family in the period 1987-2013, on their pathway to adoption.

The ‘best interests’ and rights of the child

1. **Should the Adoption Act use consistent terminology to guide decision-makers in questions relating to adoption?**
2. **Should the Adoption Act provide guidance about how to determine what is a child’s best interests?**

We strongly believe that ‘best interests’ of children in the care system require consideration of their probable life outcomes as a direct result of past abuse and involvement in the statutory care and protection system. It is particularly important to note what is at stake in terms of the proven poor developmental and life outcomes of children who grow up in foster care in Australia. We draw your attention to:

- international evidence on outcomes of adoption compared to foster care (Triseliotis 2002) which leave no doubt that children’s best interests are served by adoption from care
- children’s own experience of adoption which they describe offering them much better sense of belonging and security (Cox, Moggach et al. 2007, de Rosnay, Luu et al. 2016). Videos of children describing this are at:

<http://www.barnardos.org.au/what-we-do/the-centre-for-excellence-in-open-adoption/adoptees-talk-about-why-its-important/>

The particular issues of best interests include taking into account the importance of children having life-long legal belonging, social recognition, stability, security and continuity of all important relationships. Developing knowledge about child development points increasingly to the importance of children experiencing firm, unbroken attachments (particularly for very young children) and avoiding the impact of trauma caused by being in an unstable care system which frequently results in repeated experiences of significant neglect and systems abuse. Considerations of the best interests of the child must also include respecting children’s relationship with potential adoptive parents (see **attached report** which illustrates the positive impact of open adoption on a child’s identity, well-being and self-esteem) (de Rosnay, Luu et al. 2016).

We are concerned at the discussion in the Consultation Paper about the comparison between adoption and Permanent Care Orders in relation to ‘best interests’ of the child. Barnardos experience is that ‘third party orders’ (such as Permanent Care Orders) are inferior to adoption in relation to ongoing security for children. This is because Permanent Care Orders stop at age eighteen and young people’s best interests are served by having lifelong connections beyond age eighteen and into adulthood. Furthermore, adoption is superior to ‘third party orders’ as these orders can be much more easily challenged than Adoption Orders. Barnardos experience is that threats to challenge third party orders in NSW can destabilise placements and lead to a breakdown of important relationships, even though these challenges are rarely successful (Hansen 2012).

3. Should the Adoption Act have requirements about the age differences between the adopted child and any other children in the family? If yes, what requirements?

Barnardos practice is to maintain an age difference between adoptive siblings and therefore we would support a minimum of a two year difference in the age of the adoptee and any other children in the adoptive household (Ingley and Earley 2008).

The rationale for this age difference is to avoid any direct competition between the children, especially since many of the children in our program have delayed emotional and social development. It is also important to consider how applicants' children will react to the need to share time and attention and how tolerant they could be of another child's needs and behaviours.

4. Should the Adoption Act include a principle requiring decision makers to consider placing siblings for adoption with the same family? If not, in what other ways could the Adoption Act ensure that sibling relationships are considered in decisions about adoption?

Barnardos attempts to maintain and reunite siblings however this is often a complex question for children from the care system. We believe the principle of placing children together in the same family should be included in the Act, however some flexibility is required. Part of the complexity of children from care is that children define their siblings in a subjective way, for example, step-siblings that a child has spent a lot of time with may be more important to the child than full-siblings that they have not lived with. We would also draw attention to the very large families and step-families in which many children in care have lived, and the practical difficulties that this can create for placements. There are also complexities when a newborn sibling cannot be placed with an adoptive family for a variety of reasons. Barnardos has experienced having to place sibling groups involving up to nine step and full-siblings. In these situations a number of adoptive families have had to be used and they have been required to a commitment to contact between siblings. There have also been situations where a child or children are in a new adoptive household and it has not been possible for a baby born subsequently to be placed in that family. In these situations where sibling placement together cannot be achieved, then frequent and regular contact should be included in the Order according to the child's wishes and allowing for developmental and life stage changes.

Barnardos study of adoptions from care from 1987-2013 showed that there was a considerable amount of work undertaken on sibling living arrangements between placement with Find-a-Family and adoption. For example many siblings were placed together but in some situations, other siblings needed to be separated because of behaviour issues of an individual child. Sometimes adoptive families are unable to cope with behaviour such as sexualised acting out by a sexually abused child.

Sibling groups	At placement	At adoption
Single children (no siblings)	39	24
Intact sibling groups	52	33
Separated (placed alone)	62	77
Split (placed with at least one sibling but not all)	57	76
Total	210	210

Table 1: Status of sibling groups of children adopted by Barnardos Australian 1987-2013.

At time of placement thirty-nine children had no siblings, ten had one sibling and the remaining one hundred and fifty one had more than one sibling. For those children whose sibling status had changed at the time of adoption:

Intact sibling groups included three children placed as a single child and a later newborn sibling was placed with the adoptive family.

Separated sibling groups includes:

- 12 children placed as a single child and separated by a later newborn sibling
- 3 children placed as intact sibling group and separated by placement disruption for sibling/s
- 1 child placed as split sibling group and separated by restoration of half-sibling
- Split sibling groups includes:
 - 15 children placed as intact sibling group and split by a later newborn sibling
 - 2 children placed as intact sibling group and split by placement disruption for sibling
 - 1 child placed as a separated child and a later newborn sibling was placed with the adoptive family

Sibling groups were frequently placed together but at other times were united at other times:

	Sibling group of 2	Sibling group of 3
Siblings placed at same time	36	8
Siblings placed at separate times	5	2
Total	41	10

Table 2: Time of placement of sibling groups by Barnardos Australia 1987-2013

5. Should there be greater obligation to identify and contact the father of the child to obtain consent to an adoption? If yes, what steps are reasonable to try to obtain a father's consent?

Barnardos always seeks to locate the father of all children in long-term foster care and adoption as children need to have correct and accurate information about their origins. We believe that in open adoption contact fathers must be considered. Increased efforts to search as early as possible for the father of children in care is most important as we have discovered that the time taken to find unidentified fathers and have original birth certificates amended can lead to unnecessarily delays in adoption processes.

We note that in our study of children adopted from care:

Eighty five children were having contact with their birth father at the time of the adoption. Of the (125) children who did not have contact:

- 16 children had a deceased father
- the identity of the father of 24 children was unknown

- 85 children had no contact because of their father's choice, their own choice, because of professional advice or because fathers were unable to be located.

6. Are there any situations when no attempts should be made to contact the father to seek his consent for adoption?

We believe that powers for the Court to dispense with parental consent and give the right to consent to older children, such as in NSW, means that there are few circumstances in which attempts to locate the father are inappropriate because all adoptees should have access to information and the possibility of contact.

7. Should any changes be made in the current consent provision? If yes, what changes?

We believe in the importance of counselling and strong legal protection for birth parents. There are extensive provisions for counselling birth parents in NSW legislation which we believe adequately protect birth parents and should be emulated in Victoria.

8. Should any other people be consulted about, or require to consent to an adoption/If so who?

The child, adoptive parents and birth parents are those predominantly concerned with the consent for adoption, although we note that there have been situations where other parties such as grandparents are given right to appear in the Supreme Court as part of adoption proceedings. Barnardos consults with grandparents and other older siblings of the child about the plans for adoption and they have involvement in developing the Adoption Plan in relation to contact, signing the Plan where appropriate. The Victorian law should impose the obligation to consult with significant extended family members, but not need their consent. The best interests of the child must dominate the Court's decisions regarding the making of an adoption order.

9. Are the grounds for dispensing with consent appropriate for adoption in contemporary Victoria? If not what changes should be made?

The grounds for dispensation should be brought into line with NSW particularly in relation to a child's right of consent after age twelve and respecting existing relationship with carers. Overall, the child's right to a permanent family needs to take precedence over birth parents view on adoption.

We overwhelmingly endorse the NSW Adoption Act in relation to consent:

Adoption Acts 1965 and 2000 (enacted 2003)

Consent or Dispensation based on Person cannot be identified/located, incapable of giving proper consideration to consent because of mental/physical condition. Since 2003, this has included "cause for concern for welfare of child".

Dispensation of consent is available: under section 67(1)(d)

“if an application has been made to the Court for the adoption of the child by one or more persons who are authorised carers for the child:

- (i) the child has established a stable relationship with those carers, and*
- (ii) the adoption of the child by those carers will promote the child’s welfare, and*
- (iii) in the case of an Aboriginal child, alternatives to placement for adoption have been considered in accordance with section 36”.*

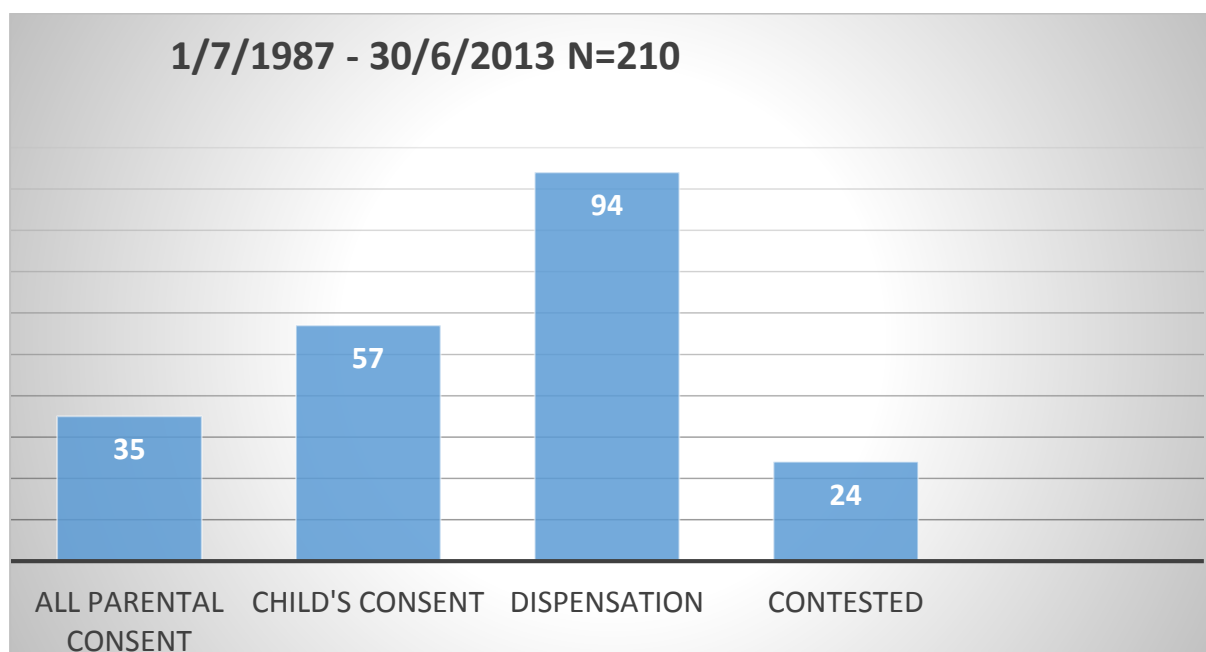
The Court must not make such a consent dispense order unless satisfied that to do so is in the best interests of the child.

Adoption Amendment Act 2008

Section 54. Amendment that parents’ consents are not required if child is over the age of 12 years and has been cared for by the proposed adoptive parents for at least 2 years (prior to this requirement was for at least 5 years).

It is particularly important to include that only a child’s consent is required for the adoption when they are over twelve years of age. It is very significant for some young people to be proactive in their adoption and to show ‘the world’ who they consider their parents to be. Note that some children who have been significantly abused and neglected, prior to coming into care, may have very strong feelings about who their family is.

The following graph describes the consent status of two hundred and ten adoptions from care (involving 138 adoptive families) conducted by Barnardos. We would like to point out that while many parents find it difficult to consent to the child’s adoption because of the shame and stigma involved, many do not contest the adoption, and express satisfaction with their child’s adoptive carers and placement and with the ongoing open contact they have with their child. Furthermore, many children wish to consent to their own adoption and do so.



Graph 2: Status of Consent for Adoption by Barnardos Australia 1987-2013

We note that adoption by existing foster carers needs to be actively facilitated by the Act when children have been in stable care with them over an extended period. In some Australian States and Territories, the only grounds for Dispensation of Parental Consent rest on the child’s safety at the time of the court adoption hearing. Given that the children are in foster care at the time of their court appearance, it can be extremely difficult to succeed in gaining dispensation. This hurdle has been most effectively overcome in NSW, where dispensing with parental responsibility relates to adoption application from known foster parents. This legal framework enables adoption to relate to the primacy of the needs of the child.

10. Should the Court be able to put conditions on an adoption in a broader range of circumstances if it is in the best interests of the child?

The child’s need to belong to the new adoptive family should be the most important guiding principle and should be supported by the legislation. Contact should be included in the development of an adoption plan and disputes over contact should be settled in favour of the most stable relationship for the child with their new family.

Contact is a required condition for Adoption in NSW and Barnardos experience is that this should be as flexible as possible to allow for changes in the needs of the child.

Contact at adoption p.a	Primary Birth Parent	Secondary Birth Parent
Not applicable	24	40
0 contact	39	85
1-Face to face	4	6
2-Face to face	52	29
3- Face to face	8	4
4-Face to face (recommended)	65	34
5+Face to face	16	10
Non face to face	2	2

11. How should adoption law provide for the child's contact with family members other than parents?

Please see the **attached paper** on 'Contact in open adoption' used by Barnardos to train workers in developing Adoption Plans. This paper points to tensions between ensuring that children have adequate information to understand their identity, and on the other hand, be given permission to attach to their adoptive family. Furthermore, the adoptive families are not overwhelmed by obligations to ensure contact with many people over a year.

Barnardos also believes that contact orders should not be rigid but should be able to reflect the changing maturity and needs of the child. We do not believe that the State welfare department or the agency arranging the placement should have ongoing involvement in contact arrangements. This is because the aim of adoption is to have the most normal social situation as possible, and because the needs of children and adults change, the adoptee themselves should have significant power to change arrangements. Note that it is reasonably unrealistic for an external body to enforce a contact regime on an adolescent who is not happy with an external ruling. For example the use of social media makes additional contact hard to limit.

12. Are there other issues within the terms of reference that should be considered in determining the best interests of the child and balancing the rights and interests of other people with an interest in the adoption?

Barnardos believes that more attention must be given to the care alternatives in relation to known life outcomes for children who are in the Minister's care. The Children, Youth and Families Act 2005 (CYF) should have clear instructions on when adoption needs to be considered as is the case in NSW legislation, see Consultation Paper page 44 for details including the hierarchy for placement being restoration as first priority, then placement with kin, then adoption and only then Guardianship to the Minister.

The question remains as to how to ensure implementation of the objectives and have welfare workers act to move children out of foster care with its broken attachments, instability and poor life outcomes. Legislation does not necessarily mean that practice actually changes and more attention should be given to how to achieve increased numbers of children available for open adoption through more effective implementation practices.

13. Children aged twelve and over consent to their own adoption. Should this be the case in Victoria?

Children over age twelve being able to consent to their own adoption (given an existing relationship), is very important and endorsed by the many children in NSW who use this provision. See table in Question 9. We reiterate that many children find it very important to be able to consent to who their family should be. This is particularly important to children who may have been significantly abused and neglected by their birth parents.

- 14. Separate legal representation for the child**
- 15. Guidance to legal representatives**
- 16. Non-legal representation**

In NSW it is generally assumed that the State welfare department or the Agency bringing the application represent the interests of the child. We have not been involved in situations involving Guardians ad litem.

Aboriginal and Torres St Islander Children

Barnardos does not place Aboriginal and Torres Strait Islander children for adoption, we are strongly committed to the Aboriginal Placement Principle and do not support adoption as appropriate for Aboriginal children. We respectfully defer to Aboriginal and Torres Strait Islander representatives in this regard. Approximately six children between 1987-2013 have been discovered to have Aboriginal heritage after they entered the Find-a-Family program, or there have been extenuating circumstances such as a non-Aboriginal parent wanting the Aboriginal child to be placed with us. In these situations cultural matching has taken place, and we have closely consulted with Aboriginal community members and elders.

- 17. Should there be a positive duty on the Secretary of DHSS to make reasonable inquiries as to whether a child to be placed for adoption is an Aboriginal or Torres St Islander child? If yes, what type of inquiry might be reasonable?**

Yes, extensive search for Aboriginal extended family should be carried out prior to consideration for adoption, and indeed for all children who enter out-of-home care. Our experience shows that some children entering care will have Aboriginal heritage which is at the time unknown.

Eligibility, suitability, contemporary attitudes and the law

As discussed above, Barnardos practice involves recruitment of foster carers for older age children, children under the age of five years, and also very young babies. All Barnardos approved foster carers have undergone extensive assessment processes to ensure their suitability to care for children who have experienced severe abuse and neglect (including pre-birth trauma). Even babies can present significant challenges to new parents given poor in utero circumstances (such as persistent substance abuse or exposure to domestic violence). Note that assessment is always undertaken in relation to the needs of the specific child. We strongly recommend that the focus on choice of the adoptive parents must solely relate to the needs of the child and the parents and family's ability to meet these needs.

- 23. To be able to adopt, couples in domestic relationships are required to prove that they live together and have been a couple for two years. This requirement does not apply to other couples such as married couples.**

Barnardos believes that caring for children who have experienced abuse and neglect, including very young children, means that a stable relationship is required or that a single person has

the necessary qualities to care for the individual child for whom they have been particularly recruited. We believe that the relationship should be of at least two years duration and preferably be longer for all couples whether married, de facto, same sex or heterosexual. In total, to date Barnardos has adopted sixteen children to twelve same-sex couples.

Marital status of adoptive parents in Barnardos 1987-2013 is indicated in the Table below:

Marital Status of adoptive parents 1987-2013	Number (138)
Married/partnership less than 10 years	46
Married/partnership 10 years or more	85
Single (not married at time of adoption)	3
Single (Widowed or divorced)	4

Table 3: Relationship status of Barnardos adoptive parents

24. Single people can adopt a child only if there are ‘special circumstances in relation to the child’ which make the adoption ‘desirable’. Is this requirement consistent with the best interests of the child?

Barnardos believes that this requirement should be amended and the same criteria used as for couples, that is parental capacity to meet the needs of the child.

25. Religious bodies right to act in accord with religious doctrines, beliefs or principles.

This issue has not affected Barnardos as we are not a religious care provider, however we are aware of debate in the welfare and medical communities on conscientious objection. It is appropriate for Government to ensure a wide-range of agencies are involved in adoption of children from care so that potential adoptees are comfortable and can come forward for children.

In our view the child requires a stable adult or adult relationship in their life and this should be the sole criteria for eligibility. Barnardos has conducted numerous same-sex couple adoptions and believe that capacity to meet the child’s needs must be reflected above all in the selection of adoptive parent/s.

26. Step-parents and relatives of a child can only adopt a child in their care in limited circumstances. Parenting orders under the Family Law Act are the preferred option in these situations. Is this appropriate? If not what changes are needed?

Adoptees have told us of the emotional importance of belonging to an adoptive family and therefore we believe that adoption should be an option available to these children. Research on the views of children in step-parent and kin placements should be conducted to assert the views of adults who have grown up this way and older children currently in this situation.

27. Are the suitability criteria in the Adoption Regulations appropriate? Should any be added, removed or changed?

The pre-existing relationship and attachments between the adoptee and the adoptive family should be given the highest priority. This needs to be age appropriate and will affect the youngest of babies. It can be challenging to find prospective adoptive parents and therefore we would support a widening of eligibility criteria to allow for a wider range of people to apply.

28. Requirements applicants must satisfy

29. Steps in assessment process

30. Improvements in assessment process

We reiterate it is the child's interests that must be considered and point to our satisfaction with NSW legislation and would advise you to utilise NSW legislation and Regulations. Barnardos undertakes extensive assessment of foster carers and adoptive families and for many children, observation of the foster placement and its needs contribute to the assessment. We require that a primary carer takes six months off work and infertility is no bar to adoption (and accounts for most applicants' motives).

32. Is it appropriate that birth parents are able to express wishes about the religion, race and ethnic background of adoptive parents?

Barnardos explores birth parent's wishes and child's wishes as part of the casework process but we believe that ultimately meeting the child's needs is the most important consideration. It is very difficult to recruit foster carers and potential adoptive families for older children who have been abused and neglected. Restricting the choice of suitable adoptive parents is very likely to mean that some children (particularly older children) may wait an unacceptable lengthy period of time before an adoption can be achieved.

Barnardos tries to match as closely as possible to reflect the child's religious and cultural identity, however this is not always possible. In cases where we are unable to identify an exact cultural or religious match, the child's birth parents would be involved and consulted about a Cultural/Religious Plan that would incorporate the parent's views.

Information and Identity

Open adoption makes many issues raised in the Consultation Paper redundant. Information and identity are very important for children who have spent time in foster care because of child protection matters (many are well able to remember their abuse and neglect). We **attach a confidential report** (pre-publication) on the importance of ongoing contact for children in open adoption, which indicates that contact and information arising from contact visits is shown to be important in identity formation.

33. Should any other people have rights to adoption information under the Adoption Act? If yes, who should be given these rights and what should these rights be?

When children have been adopted from foster care most of the questions related to adoption information will have been dealt with. For example, usually the adoptees kin network has been thoroughly explored for potential carers and this network will have been involved in discussions about the child's situation.

34. Do any problems arise when people seek adoption information through an adoption information service?

Barnardos does not have experience in these matters and therefore commentary is not provided.

35. Are the rights to adoption information and the limitations on those rights fair to all people involved in the adoption process?

36. Balance of rights

37. Factors

38. Clarity of information

Many of these issues of right to information are not relevant to adoption from care, where the welfare workers have been through extensive processes of identifying others who may have an interest in the child's welfare and informing them of the child's circumstances. In general, Barnardos believes that it is the child's right which should dominate adoption information considerations. We do not have experience with other categories of people who may want access to information.

- 39. How should an adopted person's identity be reflected on their birth certificate?**
- 40. Legal status of birth certificates, problems with integrated birth certificates**

In 2006, the NSW Committee on Adoption and Permanent Care undertook a survey of adoptees, adoptive and birth parents as to what should be recorded on birth certificates. Over half of adoptees indicated that they were happy with the current situation in relation to their birth certificates. This is the case as they wish to be 'normal' i.e. not have officials have information on their background unnecessarily (eg when enrolling in a sporting club or when opening a bank account). We believe that many of the abused and neglected children Barnardos has placed for open adoption are comfortable with the existing situation and their needs should dominate the wishes of other adults (such as adoptive or birth parents).

Given the variation in responses to the survey, it may be useful to provide a range of options for older age children about what is recorded on birth certificates. The feelings about birth certificates may change over an individual's life and therefore some capacity for summary birth certificates may be desirable.

This has also been the critical component for many adults who return to Barnardos seeking information relevant to their adoption (post 18 years). These people frequently want their surname to be the same as their psychological parent and wish for their birth certificate to reflect the people who raised them as their parent.

- 42. Is changing a child's given name consistent with the best interests of the child?**
- 43. In what circumstances (if any) should the Adoption Act allow a child's given name to be changed?**

For older age adoptees and babies, Barnardos recommends that the adoptive family does not change the child's given names. We note an increasing trend that adoptees and many adoptive parents choose to have the child's birth surname as retained as an additional 'middle name' on the amended Birth Certificate. We support the ability to change the child's surname to that of the adoptive parents as this provides the child with an undeniable sense of belonging to their adoptive family.

Modernisation and operation of the Adoption Act

- 44. Should the Adoption Act include a section identifying the main object of the Act?**
- 45. General principles to guide the exercise of powers**

Barnardos refers to the NSW legislation in these regards, the focus should be the attainment of permanency and respect for the existing attachments of the child to their adoptive family.

46. Victorian Act Terminology

47. Out of step with Technology

Barnardos is not commenting on these technical considerations as they are matters for legislative drafting with implications for Victorian law.

48. Should there be increased requirements in the Adoption Act to provide post-adoption support? If yes

- a) Who should be responsible for providing this support**
- b) What type of post-adoption support should be provided, and in what circumstances?**
- c) Who should be eligible for it?**

Open adoption provides a normalised family context for a child to grow up. Therefore we do not support automatic or, in any way compulsory involvement, of the State government or its welfare department with an adoptive family post adoption.

However, the legal status of adoption is so important to some individuals who have been from foster care, that the State government should ensure that there is no financial disincentive to move from foster care to adoption. We believe there should be discretion in providing financial and casework supports for children who have needs which require ongoing support for adoptive families. In our experience, some families (though not all) require financial assistance to maintain an adoption.

Barnardos experience is that a small number of adoptive families may experience some difficulties at times, particularly during the adoptees' adolescence, and that these families may seek additional support and assistance. In these situations, financial assistance to agencies would be appropriate to help the agency meet its costs in this area. We note that the breakdown rate of adoptions is very low (this rate has been estimated at 3.2% by Selwyn, Wijedasa et al. 2014). Barnardos own experience is that we do have some families who come back to us for assistance and we refer people to community resources for ongoing support. No funding is available for this work and we believe that resources should be provided to adoption agencies for short-term involvement.

Thank you for the opportunity to provide this submission.

Barnardos Australia

Attachments

1. Child Welfare Decisions Practice Paper 2 – Decisions on contact in open adoptions
2. de Rosnay Identity Report CONFIDENTIAL pre-publication

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